IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

OP.No. 33102 of 2001(N)

PETITIONER:

THAZHEKKODE GRAMA PANCHAYAT,
P.O.THAZHEKKODE,
MALAPPURAM DISTRICT, PIN – 679 322.
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.K.P.DANDAPANI

RESPONDENTS:
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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
INDUSTRIES DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE MALAPPURAM DISTRICT SINGLE WINDOW CLEARANCE BOARD,
REPRESENTED BY ITS CONVENOR,
(GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE,
MALAPPURAM.)

3. SHRI.T.T.ISHAK,
MANAGING PARTNER, NEW CRESCENT GRANITE,
PANAMBI.P.O., THAZHEKKODE,
RESIDING AT THATTARANTHODI HOUSE,
PONMALA.P.O., VIA. OTHUKKUNGAL,
MALAPPURAM DISTRICT.

4. THE KERALA STATE POLLUTION CONTROL BOARD,
PATTOM.P.O., THIRUVANANTHAPURAM – 695 004.
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.T.P.KELU NAMBIAR (SR.)
SRI.P.G.RAJAGOPALAN
SRI.M.GOPIKRISHNAN NAMBIAR
SRI.SHIRAZ ABDULLA
SMT.T.RESMI DAMODARAN
SRI.BABU JOSEPH KURUVATHAZHA,SC,POLU.C.
SMT.SMITHA, GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 22/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.No. 33102/2001

ORDER ON CMP 54118/2001 IN O.P.No. 33102/2001

DISMISSED.

22/02/2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE)

ORDER ON CMP 59778/2001 IN O.P.No. 33102/2001

DISMISSED.

22/02/2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

EXT. P1 COPY OF LETTER NO.SWCB-21/2001 DATED 4/8/2001 FROM THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P2 COPY OF THE RELEVANT EXTRACT OF THE APPLICATION DATED 2/8/2001 SUBMITTED by the 3RD RESPONDENT BEFORE THE 2ND RESPONDENT.

EXT.P3 COPY OF LETTER NO.C3/12512/2001 DATED 23/8/2001 FROM THE DISTRICT MEDICAL OFFICER (H), MANJERI TO THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE, MALAPPURAM.

EXT.P4 COPY OF THE CONSENT LETTER DATED 13/8/2001 BY THE POLLUTION CONTROL BOARD, THIRUVANANTHAPURAM TO THE 3R RESPONDENT.

EXT.P5 COPY OF THE COMMUNICATION NO.A2-316/01B DATED 14/8/2001 FROM THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P6 COPY OF THE MASS REPRESENTATION RECEIVED BY THE PETITIONER DATED 24/8/2001.

EXT.P7 COPY OF THE DECISION NO. 4 OF THE MEETING OF THE PETITIONER DATED 24/8/2001.

EXT.P8 COPY OF THE LETTER NO.A2-316/01 DATED 04/9/2001 FROM THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P9 COPY OF THE REPORT SUBMITTED BY THE SUB COMMITTEE BEFORE THE 1ST RESPONDENT DATED 24/8/2001.

EXT.P10 COPY OF THE EXTRACT FROM THE PROCEEDINGS OF THE THAZHEKKODE GRAMA PANCHAYAT HELD ON 24/9/2001. (RESOLUTION NO. 5 DATED 24/9/2001)

EXT.P11 COPY OF THE LETTER NO.A2-316/2001 DATED 25/9/2001 FROM THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P12 COPY OF THE MINUTES OF THE MALAPPURAM DISTRICT SINGLE WINDOW CLEARANCE BOARD MEETING HELD ON 26/9/2001 IN THE CHAMBER OF THE DISTRICT COLLECTOR, MALAPPURAM.

EXT.P13 COPY OF THE LETTER NO.SWCB-21/2001 DATED 6/10/2001 FROM THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P14 COPY OF THE LETTER NO.A2-316/01 DATED 15/10/2001 FROM THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P15 COPY OF THE PHOTOGRAPHS OF THE PROPOSED SITE FOR ESTABLISHING THE STONE CRUSHER UNIT.

EXT.P16 COPY OF THE MASS PETITION RECEIVED BY THE PETITIONER DATED 18/10/2001.

EXT.P17 COPY OF THE REPRESENTATION DATED 17/9/2001 FROM M.J.ACADEMY, PANAMBI, PERINTHALMANNA TO THE PETITIONER.

EXT.P18 COPY OF THE DECISION NO.I DATED 18/10/2001 OF THE MEETING OF THE PETITIONER.

EXT.P19 COPY OF THE LETTER REF. NO. N2-4357/2001/N.DIS. DATED 05/11/2001 FROM THE DISTRICT COLLECTOR, MALAPPURAM TO THE PRESIDENT, THAZHEKKODE GRAMA PANCHAYAT.

EXT.P20 COPY OF THE LETTER NO.A2-316/01 DATED 08/11/2001 FROM THE SECRETARY, THAZHEKKODE GRAMA PANCHAYAT TO THE 2ND RESPONDENT.

EXT.P21 COPY OF THE COMMUNICATION NO.SWCB-21/2001 DATED 16/11/2001 OF THE 2ND RESPONDENT TO THE PRESIDENT, THAZHEKKODE GRAMA PANCHAYAT.

EXT.P22 COPY OF THE CERTIFICATE ISSUED BY THE 2ND RESPONDENT NO. SWCB/21/2001 DATED 16/11/2001.

RESPONDENT'S EXHIBITS

EXT.R4(a) COPY OF THE SITE INSPECTION REPORT.

EXT.R4(b) COPY OF THE CERTIFICATE ISSUED by the VILLAGE OFFICER, THAZHEKKODE TO THE APPLICANT.

EXT.R4(c) COPY OF THE EXISTING NORMS OF THE BOARD FOR ESTABLISHMENT OF STONE CRUSHER.

EXT.R4(d) COPY OF THE "CONSENT TO ESTABLISH" THE STONE CRUSHER DATED 13/8/2001 ISSUED BY THE BOARD.

// TRUE COPY //

jg PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 33102 of 2001 N

Dated, this the 22nd day of February, 2007

J U D G M E N T

This original petition is filed six years back, challenging clearance granted by the 2nd respondent to start a stone crushing unit to 3rd respondent. I do not think that any purpose will be served by keeping this original petition pending. There was no stay against continuation of business by the 3rd respondent. If there is any illegality in the conduct of stone quarrying, it is open to the Panchayat to withdraw licence or raise objection before Revenue Authority and Geologist against renewal of licence. However, no adverse order should be passed by the Panchayat against the 3rd respondent, without hearing him. If the quarry pauses any danger or nuisance to public, the Panchayat can approach RDO for action under Sec.133 CRPC.

This O.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg